UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,153	11/14/2003	Kalpit Jain	MSFT125728	2365

38991 7590 04/10/2007	EXAMINER
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ART UNIT	PAPER NUMBER
2192	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/714,153	JAIN ET AL.
	Examiner	Art Unit	
	Isaac T. Tecklu	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *14 November 2003*.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-23* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-23* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *14 November 2003* is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date *11/14/2003*.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the application filed on 11/14/2003.

2.   Claims 1-23 have been examined.

Oath/Declaration

3.   The office acknowledges receipt of a properly signed oath/declaration filed on 11/14/2003.

Drawings

4.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: e.g. FIGURE. 13, element 1300. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

5.   Claim 1 is objected to because of the following informalities: claim 1 recites "… each of the one or application developers" in lines 4-5 rather than -- each of the one or more application developers --. Appropriate correction is required.

Claim Rejections - 35 USC § 101

6.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
> any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
> requirements of this title.

7.   Claims 1-17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1 and 6 are non-statutory as being "A portal" without being supported by hardware such as tangible computer storage or execution engine, which would enable one skill in the art to construe that the portal is built from tangible product to carry out any functionality being conveyed from the claim. Thus, the portal is data structure. Such data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory). Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.

Claims 2-5 and 7-17 are rejected for failing to cure the deficiencies of the above rejected non-statutory claims. See MPEP 2106.01(I).

Claim Rejections - 35 USC § 102

8.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9.   Claims 1- 5 and 18-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Sit et

al. (US 2004/0205727 A1), hereinafter Sit.

As per claim 1, Sit discloses a portal for aggregating application issue data for access by one or more application developers comprising:

a data interface to a plurality of application issue data sources for obtaining application issue data regarding one or more applications (in paragraph [0004] "... identify software defects ...") associated with each of the one or application developers (paragraph [0030] accessed by end user operating an OLAP presentation tool 60 of FIG. 1);

a network interface accessible by each of the one or more application developers (in paragraph [0184] "... component that is accessed by project engineers ..."); and

an aggregation module for aggregating the application data by application and for presenting to each of the one or more application developers via the network interface a customizable user interface that presents aggregated data regarding only the one or more applications associated with that application developer (in paragraph [0044] "... aggregation function ...") and omitting application data for applications not associated with that application developer (e.g. FIG. 3, Dimensional data generator 94 and related text).

As per claim 2, Sit discloses the portal according to claim 1, wherein the aggregation module is further operable to prioritize the application data according to at least one criterion at the request of an application developer (paragraph [0048] "... defects of particular component having a severity equal to 1 and e.g. FIG. 2, 78 and related text).

As per claim 3, Sit discloses the portal according to claim 2, wherein the at least one criterion includes one or more criteria selected from the group consisting of issue ID, application name, application version (e.g. FIG. 2, 74 and related text), issue type (e.g. FIG. 2, 72 and related text), issue priority (e.g. FIG. 2, 78 and related text), operating system (paragraph

[0040] "... identifies the operating system..."), and number of issue reports per issue (e.g. FIG. 2, 84 and related text).

As per claim 4, Sit discloses the portal according to claim 1, wherein the plurality of application issue data sources comprise a database of logo certification test results performed on at least one application by a party other than the application developer and a database of user-reported computer crash data (e.g. FIG. 1, Defect tracking database 10 and 12 and related text).

As per claim 5, Sit discloses the portal according to claim 4, wherein the plurality of application issue data sources further comprise an additional database of application experience test data (e.g. FIG. 1, Defects data warehouse 20 and related text).

As per claim 18, Sit discloses a method of presenting application issue data regarding one or more software applications to a developer of the one or more software applications comprising:

gathering application issue data from a plurality of data sources (in paragraph [0004] "... identify software defects ...");

aggregating application issue data such that application issues pertaining to a same application are grouped together (in paragraph [0044] "... aggregation function ..."); and presenting the aggregated application issue data visually to the developer of the one or more software applications (in paragraph [0184] "... component that is accessed by project engineers ...").

As per claim 19, Sit discloses the method according to claim 18, wherein gathering application issue data from a plurality of data sources comprises gathering the application issue data from a database storing at least one item of user crash report data (in paragraph [0004] "... identify software defects ...") and a database storing at least one item of test report data (e.g. FIG. 1, Defect tracking database 10 and 12 and related text).

As per claim 20, Sit discloses the method according to claim 18, wherein presenting the aggregated application issue data visually to the developer of the one or more software applications comprises presenting a user selectable control for altering the order in which the application issues are presented (e.g. FIG. 4 and related text).

As per claim 21, Sit discloses the method according to claim 18, wherein presenting the aggregated application issue data visually to the developer of the one or more software applications comprises presenting a subset of the data in a visual page and presenting a user-selectable page control for accessing one or more pages of remaining data (e.g. FIG. 4 and related text).

Per claim 22 this is the computer-readable medium version of the claimed method discussed above (Claim 18), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Sit.

Per claim 23, this is the apparatus version of the claimed method discussed above (Claim 18), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Sit.

10.   Claims 6- 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Eakin (US 2004/0167896 A1).

As per claim 6, Eakin discloses a web portal user interface for presenting application issue data to a user (paragraph [0029] "… through a portal or gateway 104 of Figure 1) comprising:

a search pane for user entry of at least one search term (e.g. Figure 5 and related text), whereby entry of at least one search term coupled with a run command will cause a search to be executed of aggregated application issue data (paragraph [0117] "… look up table …. search of column two …");

a task pane for user selection of a format for display of application issue data (e.g. Figure 8(a), 808 and related text; and

a content pane for display of application issue data (abstract "... displaying said error from on a requesting ..." and e.g. Figure 8(a), 810 and related text).

As per claim 7, Eakin discloses the web portal user interface according to claim 6, wherein the user is an application developer of one or more applications, and the application issue data available to the user in the content pane relates to those one or more applications (in paragraph [0044] "... aggregation function ...") and omits data related to applications other than the one or more applications (e.g. FIG. 3, Dimensional data generator 94 and related text).

As per claim 8, Eakin discloses the web portal user interface according to claim 7, wherein the task pane contains a listing of available formats (paragraph [0140] "... error form ..." and Figure 12 and related text).

As per claim 9, Eakin discloses the web portal user interface according to claim 8, wherein the listing of available formats comprises a summary format (e.g. Figure 12, "A very bad error happened" and related text).

As per claim 10, Eakin disclose the web portal user interface according to claim 9, wherein each application issue has associated therewith number of reports of that issue (e.g. Figure 12, "A very bad error happened" and related text), and wherein the summary format comprises a graphical illustration of the number of reports associated with each of a subset of application issues, each application issue in the subset having associated therewith more reports than any of the remaining issues not in the subset (e.g. Figure 5 and related text).

As per claim 11, Eakin discloses the web portal user interface according to claim 8, wherein the listing of available formats comprises a format wherein each of the one or more applications is listed and is visually associated with information regarding application issues for that application (e.g. Figure 5 and related text).

As per claim 12, Eakin discloses the web portal user interface according to claim 11, wherein the information visually associated with each of the one or more applications comprises an indication of the total number of issues associated with that application (e.g. Figure 5 and related text).

As per claim 13, Eakin discloses the web portal user interface according to claim 12, wherein the applications issues each have one of a plurality of types, and wherein the information visually associated with each of the one or more applications comprises an indication of the number of issues of each type associated with that application (e.g. Figure 5 and related text).

As per claim 14, Eakin discloses the web portal user interface according to claim 11, wherein the information visually associated with each of the one or more applications comprises an indication of the total number of issues associated with that application when used in conjunction with an indicated operating system (e.g. Figure 4 and related text).

As per claim 15, Eakin discloses the web portal user interface according to claim 8, wherein the listing of available formats comprises a format wherein all application issues associated with the one or more applications are presented (e.g. Figure 3 and related text).

As per claim 16, Eakin discloses the web portal user interface according to claim 15, wherein each application issue has an identifier, and wherein within the format wherein all application issues associated with the one or more applications are presented, the application issues are grouped by application issue identifier (e.g. Figure 5 and related text).

Claim Rejections - 35 USC § 103

11.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject

matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12.   Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eakin (US 2004/0167896 A1) in view of Kline et al. (US 2004/0220915 A1).

Eakin does not explicitly disclose wherein the search pane comprises selectable search filters. However, Kline discloses a clean search aggregator 506 of FIGURE 5 to form a clean aggregated window 508 of FIGURE 5. Aggregated window 508 above suggest that 2,000 searches are expected for a give term from a given source and within a given marketplace. In addition, Kline discloses search data analysis module 408 of FIGURE 4 randomly selects 400 searches from the 2,400 searches, which are not yet identified as illegitimate by raw search filter 404 of FIGURE 4 and randomly selected searches as illegitimate (paragraph [0093]. Therefore it would have been obvious to include --- and Kline to detect unexpected changes in search behavior as once suggested by Kline (paragraph [0068]).

Conclusion

13.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac T. Tecklu whose telephone number is (571) 272-7957. The examiner can normally be reached on M-TH 9:300A - 8:00P.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Isaac Tecklu
Art Unit 2192

TUAN DAM
SUPERVISORY PATENT EXAMINER